

**REMARKS**

Claims 1-6 have been examined. With this Amendment, Applicant adds four new claims. Claims 1-10 are pending in the application. No new matter has been added. A rewritten title has been submitted.

**1. Formalities**

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming that the certified copy of the priority document has been received.

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on March 24, 2000.

Applicant thanks the Examiner for accepting the drawings filed on August 2, 2003.

**2. Objections to the Specification**

The Examiner has objected to the title of the invention as not being descriptive. Applicant submits that the rewritten title obviates the objection.

**3. Claim Objections**

The Examiner has objected to claim 5 because it should allegedly recite "the processing means having a second memory" instead of "having a second memory." Applicant disagrees.

Applicant submits that one of ordinary skill in the art would readily comprehend that "having a second memory" applies to the "processing means."

However, to speed up prosecution and for precision of language, Applicant has amended claim 5 as suggested by the Examiner. Applicant submits that the modification to claim 5 does not limit or narrow the scope of the pending claim.

#### **4. Claim Rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 2, 5 and 6 under 35 U.S.C. §102 (b) as being anticipated by Hull et al. (US 5,806, 005) [hereinafter “Hull”]. Applicant respectfully traverses the rejection.

##### **A. Claim 1**

Claim 1 recites an image data processing system comprising a first processing means, for processing the image data, located outside the digital camera and having a memory section for storing the image data. The Examiner contends that figure 1 of Hull discloses that CPU 52 and image storage device 58 correspond to the claimed combination. Applicant submits that CPU 52 is actually the second processing means disclosed in Hull, the first processing means being CPU 22, which is coupled to image memory 24 and modem 26 (col. 2, lines 10-11). Among other things, CPU 22 transfers image data from image memory 24 to modem 26 (col. 2, lines 12-14) after “pinging” the destination (col. 2, lines 52-58) and executes a program to periodically read an image from image memory 24 (col. 2, lines 39-40).

Applicant submits that “executing a program” and “transferring” constitute processing as used in the ordinary meaning of the term. Thus, CPU 22 is the first processing means located outside the digital camera. Hull does not, however, disclose a memory section for storing the image data for the first processing means. In fact, Hull does not disclose any function in which the first processing means stores image data. Therefore, Applicants submit that Hull does not disclose or even remotely suggest the claimed combination.

In addition, Claim 1 also recites an image data processing system that comprises an instruction means for giving instructions on processing to be executed by the first processing

means from the digital camera. The Examiner contends that figure 1 of Hull discloses that CPU 52 corresponds to the first processing means and CPU 22 and command input 32 correspond to the instruction means.

Even assuming, for the sake of argument alone that CPU 52 corresponds to the first processing means, Applicant submits that, to the extent Hull discloses that CPU 52 receives processing instructions, the instructions are sent by EPROM 54 which is located in server 14 (col. 2, lines 31-35). Further, server 14 is not part of digital camera 20 (see figure 1). Therefore, Applicant submits that Hull does not disclose or even remotely suggest that the first processing means receive processing instructions from the digital camera as set forth in the claimed combination.

For at least the reasons given above, Applicant submits that Hull does not disclose or remotely suggest, either explicitly or inherently, the claimed combination.

#### **B. Claim 2**

Because claim 2 is dependent on claim 1, Applicant submits that claim 2 is patentable over Hull at least by virtue of its dependency.

#### **C. Claim 5**

The preamble in claim 5 defines the claimed invention as a digital camera. Any terminology in the preamble that limits the structure must be treated as a claim limitation. MPEP 2111.02. Therefore, Applicant submits that the preamble defines the claimed structure as a digital camera.

The Examiner contends that figure 1 of Hull discloses an image transfer system 10 (with components such as capture device 20, a memory 24, command input 32, CPU 22, and modem 26) that corresponds to the claimed combination.

Applicant submits that the image transfer system 10 is not a digital camera. In fact, Hull explicitly defines a digital camera as made up of capture device 20 and image memory 24 (col. 2, lines 1-3). There is no additional disclosure or suggestion in Hull that the digital camera further comprises additional features such as an “instruction means for instructing processing means” as set forth in claim 5. Furthermore, Applicant submits that Hull does not disclose or remotely suggest, either explicitly or inherently, that the features in claim 5 may be incorporated in a digital camera.

**D, Claim 6**

Claim 6 recites a processing device that comprises an “output means for outputting said image data...in accordance with instruction from said digital camera.” The Examiner contends that printing device 70 prints in accordance with the instructions from the digital camera. For at least the reasons stated above for claim 5, Applicant submits that the digital camera in Hull does not have an “instruction means” and therefore, cannot instruct a printer or any other device. Therefore, Hull does not disclose or remotely suggest the claimed combination.

Per the above analysis in sections A-D, Applicant has shown that Hull is **incapable** of **anticipating** claims 1, 2, 5 and 6

### **5. Claim Rejections under 35 U.S.C. § 103**

The Examiner has rejected dependent claims 3 and 4 under 35 U. C. 103 (a) as being unpatentable over Hull in view of Parulski et al. (US 6,573,927). Applicant respectfully traverses this rejection for at least the following reasons.

Claims 3 and 4 depend on independent claim 1. For at least the reasons stated above, Applicant submits that these claims are patentable by virtue of their dependency. Furthermore, in view of the above-described deficiencies in Hull, even if Hull's external printer were replaced with Parulski's printing system including a computer, there would not be produced the subject matter of either of claims 3(3/2/1) or 4(4/3/2/1).

### **6. New Claims**

With this amendment, Applicant adds four new claims.

### **7. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Pursuant to 37 C.F.R. § 1.136, Applicants are filing a petition (with fee) for two months of extension time herewith, making this response due on or before March 8, 2004 (March 6 being a Saturday).

AMENDMENT UNDER 37 C.F.R. § 1.111  
APPLICATION NO.: 09/534,206

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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